

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

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| LEONARD JORDAN, et al | § | PLAINTIFFS |
| V. | § | Civil No. 1:09CV41-HSO-JMR |
| AMERICAN GENERAL PROPERTY INSURANCE CO., et al. | § | DEFENDANTS |

ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS'
MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL

Before the Court is the Motion [17], filed on or about March 24, 2009, by Plaintiffs Leonard Jordan, Patsy Jordan, Hattie Morgan and Sammy Lizana, for Leave to File Exhibits under Seal. Plaintiffs seek a Court Order, pursuant to Uniform Local Rule 8.1, to file Exhibits "A" through "K" to their Motion [15] to Remand under seal, and request an extension of time, until March 30, 2009, to do so. Plaintiffs assert that the Exhibits should be placed under seal because they contain "Personal, Sensitive Data (Bank Account, Credit Card, Social Security Numbers) and Like Data...." Pls.' Mot.

Uniform Local Rule 8.1 reads as follows:

- (A) **Personal Identifiers and Sensitive Information Prohibited.** Pursuant to the *E-Government Act of 2002*, Pub. L. 107-347, 116 Stat. 2899 (Dec. 17, 2002), as amended by H.R. 1303 (Aug. 2, 2004), and the policies of the Judicial Conference of the United States, personal identifiers, and sensitive information and data, shall not be stated in pleadings, exhibits, or other court-filed documents except as provided by this rule.
- (B) **Personal Identifiers.** Personal identifiers are defined as:
 - 1. Social Security numbers.
 - 2. Financial account numbers.
 - 3. Dates of birth.

4. Names of minor children.

(C) **Sensitive Information and Data.** Sensitive information and data are defined as:

1. Personal identifying numbers, such as driver license numbers.
2. Medical records, treatments, and diagnoses.
3. Personal financial information.
4. Proprietary or trade secret information.

(D) **Redaction of Personal Identifiers and Sensitive Information and Data.** A party filing a document containing personal identifiers and/or sensitive information and data may...

1. file an unredacted document under seal; this document shall be retained by the court as part of the record; or,
2. file a reference list under seal. The reference list shall contain the complete personal data identifiers and/or the complete sensitive information and data used in their place in the filing. All final references in the case to the redacted identifiers, information, or data included in the reference list will be construed to refer to the corresponding complete identifiers, information, or data. The reference list must be filed under seal and may be amended as of right; it shall be retained by the court as part of the record.

(E) **Responsibilities of Counsel and Parties.** Counsel should advise clients of this rule so that an informed decision may be made about the inclusion of protected information.

1. Counsel and parties must consider that the *E-Government Act of 2002* (as amended) and the policies of the Judicial Conference of the United States require federal courts eventually to make *all* pleadings, orders, judgments, and other filed documents available in electronic formats accessible over the Internet and the courts' PACER [Public Access to Court Electronic Records] systems. Consequently, personal and sensitive information and data that formerly were available only by a review of the court's physical case files will be available to the world, openly, publicly, and near-instantaneously.
2. If a redacted document is filed, it is the sole responsibility of counsel and the parties to ensure that all pleadings conform to the redaction-related standards of this rule.
3. Neither the court nor the clerk will review pleadings or other documents for compliance with this rule.

Uniform Local Rule 8.1 (emphasis in original).

Uniform Local Rules 83.6 reads, in relevant part, as follows:

- (A) **Court Records Presumptively in Public Domain.** Except as otherwise provided by statute, rule, or order, all pleadings and other materials filed with the court (“court records”) shall become a part of the public record of the court.
- (B) **When and How Sealed; Redactions.** Subject to the standards imposed by LOCAL RULE 8.1, court records or portions thereof shall not be placed under seal unless and except to the extent that the person seeking the sealing thereof shall have first obtained, for good cause shown, an order of the court specifying those court records, categories of court records, or portions thereof, which shall be placed under seal. The court may, in its discretion, receive and review any document *in camera* without public disclosure thereof and, in connection with any such review, determine whether good cause exists for the sealing of the document. Unless the court orders otherwise, the party seeking sealing shall file with the court redacted versions of court records when only a portion thereof is to be sealed.

Uniform Local Rule 83.6(A)-(B).

Though Plaintiffs have not provided the Court with copies of the Exhibits to review *in camera*, it appears from their Motion that they seek only to protect personal identifiers, as listed in Uniform Local Rule 8.1 (B). For this reason, the Court finds that Plaintiffs have not shown the requisite good cause for placing the Exhibits in their entirety under seal. *See* Uniform Local Rules 83.6(B). The Court is of the opinion that redacted copies of the Exhibits should be filed in the Court’s electronic filing system for the public file, and that the unredacted Exhibits should be filed under seal with the Court, pursuant to Uniform Local Rule 8.1. *See* Uniform Local Rule 8.1; *see also* Uniform Local Rule 83.6(A). Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons stated herein, Plaintiffs’ Motion [17] for Leave to File under Seal the Plaintiffs’

Exhibits "A" to "K", filed on March 24, 2009, should be and is hereby granted in part and denied in part. Plaintiffs are directed to file properly redacted versions of the Exhibits in the Court's electronic filing system, and file the unredacted versions of the Exhibits under seal, pursuant to Uniform Local Rule 8.1(D).

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiffs have until on or before Monday, April 6, 2009, to file their Exhibits in compliance with this Order. Defendants' time to respond to Plaintiffs' Motion [15] to Remand, pursuant to Federal Rules of Civil Procedure 6(a) and 6(e), and Uniform Local Rules 7.2(D) and 7.2(I), will not begin to run until Plaintiffs' Exhibits are filed.

SO ORDERED AND ADJUDGED, this the 31st day of March, 2009.

Halil Suleyman Ozerdem
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE